

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HAEYOUNG LEE and JAEYOUNG PARK,
wife and husband, and the marital community
composed thereof,

Plaintiffs

v.

KOREAN AIR LINES CO., LTD, a foreign
corporation,

Defendant.

No.

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

COMES NOW the Plaintiffs, by and through their undersigned attorneys, and allege as follows:

I. PARTIES

1.1. Plaintiffs Haeyoung Lee and Jaeyoung Park were at all relevant times citizens of the Republic of Korea, and residents of Seoul, Korea, and over the age of eighteen.

1.2 Defendant Korean Air Lines Co., Ltd. ("KAL") has its principal place of business in Seoul, Republic of Korea. At all relevant times herein, KAL was engaged in the business of providing air transportation services for passengers located in the United States and elsewhere,

COMPLAINT FOR DAMAGES - 1

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1 including Seattle, Washington, which is a major hub for KAL in the United States. KAL is
2 registered to do business in Washington and maintains a registered agent in Seattle, Washington.

3 II. JURISDICTION AND VENUE

4 2.1 This action is properly brought before the United States District Court of the
5 Western District of Washington at Seattle pursuant to 28. U.S.C. §1331. The subject matter of this
6 claim involves an accident that occurred during international air travel, and Ms. Lee's cause of
7 action arises from a treaty agreement, namely, the Convention for the Unification of Certain Rules
8 for International Carriage by Air, done at Montreal May 28, 1999, reprinted in S. Treaty Doc. No.
9 106-45, 1999 WL 33292734, commonly and hereinafter referred to as "the Montreal Convention".

10 2.2 The United States District Court for the Western District of Washington at Seattle
11 has personal jurisdiction over KAL, which has sufficient minimum contacts with and has
12 purposefully availed itself of the benefits of doing business in both this State and District – in
13 particular at Sea-Tac International Airport ("the Airport") in King County, Washington.

14 2.3 The venue properly lies in this Court pursuant to 28 U.S.C § 1391(b)(a), as a
15 substantial part of the events or omissions giving rise to the claim occurred in this District. The
16 venue is further proper under Article 33 of the Montreal Convention, as this Court is the court at
17 the place of destination, and the principal place of business for KAL is located within this District
18 and this State of Washington. KAL further operates services for the carriage of passengers by air
19 from the Airport, located within this District and in this State.
20

21 III. FACTS

22 3.1 Plaintiffs re-allege and incorporate by reference all preceding paragraphs in this
23 complaint as if fully set forth herein.
24
25

1 3.2 Prior to August 27, 2016, Plaintiffs entered into a contract for international carriage,
2 as that term is known and defined in Article 1 of the Montreal Convention.

3 3.3. On August 27, 2016, Plaintiffs were fare paying passengers aboard a KAL aircraft,
4 operated as KAL Flight No. 19, seated at seat numbers 41B and 41C. Around 1 p.m. on that day,
5 the KAL Flight No. 19 landed at Sea-Tac International Airport, and the passengers, along with the
6 Plaintiffs, started to disembark the plane.

7 3.4 As Ms. Lee was walking on the aisle of the KAL Flight No. 19 along with the other
8 passengers, toward the exit of the airplane, the queue of passengers were moving at a heightened
9 speed as they eagerly moved to disembark the plane.

10 3.5 As Ms. Lee was moving, her right thigh accidentally came into a traumatic contact
11 with the sharp corner of one of the hand rest of the seat of the airplane, which was protruding in
12 the aisle, and Ms. Lee immediately felt an excruciating pain in her pelvis and upper right leg.

13 3.6 Due to the pain, Ms. Lee was unable to ambulate, and sat down on the nearest seat.
14

15 3.7 After all other passengers had debarked, Ms. Lee was transported via ambulance to
16 the Franciscan System Health System's emergency department, where it was diagnosed that as a
17 result of this accident, she sustained a right femur fracture. She was treated with the intramedullary
18 rod fixation surgery.

19 3.8 Plaintiff Ms. Lee has suffered and continues to suffer pain, discomfort and fatigue,
20 with both physical and mental stress and suffering.

21 3.9 Plaintiff Ms. Lee has endured numerous medical appointments, testing, procedures
22 and surgery as a result of this accident.

23 3.10 Plaintiff Ms. Lee's injuries have caused a direct loss of consortium and impairment
24 of the Plaintiffs' martial relationship.
25

1 4.6 KAL, its officers, agents, servants and/or employees had a duty of utmost care and
2 vigilance to its fare-paying passengers (including Plaintiffs) to transport them safely.

3 4.7 Defendant KAL had a duty to use the highest degree of care consistent with the
4 operation of its aircraft and its business as a common carrier.

5 4.8 Defendant KAL breached its duty toward Plaintiffs, by failing to maintain a safe
6 debarkation passage out of the plane, failing to maintain its equipment and chairs in safe manner
7 as not to provide an unreasonable danger to the passengers waling on the isles of the plane, failing
8 to warn of the conditions of the arm rests of the chair as a potential hazard in moving about in the
9 aisles of the plane, failing to adequately train its personnel in providing a safe and hazard-free
10 debarkation procedure and passages, and/or other acts or omissions that proximately caused this
11 accident to be proven at trial.

12 4.9 As a direct and proximate cause of the incident described herein, and the negligent
13 and tortious actions of the defendant, Plaintiffs have suffered injuries and damages as described
14 herein.
15

16 V. DAMAGES

17 5.1 Plaintiffs re-allege and incorporate by reference all preceding paragraphs in this
18 complaint as if fully set forth herein.

19 5.2 The accident as described above, and Defendant KAL's negligence, proximately
20 caused injuries and damages to Plaintiff Ms. Lee, including but not limited to severe physical
21 injuries, past and future medical expenses, past and future pain and suffering, past and future
22 emotional distress, past and future loss of enjoyment of life, trauma, fear, fright, and any and all
23 special and general damages allowed by law or otherwise, all in an amount to be proven at trial.
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1 5.3 The accident as described above, and Defendant's negligence, proximately caused
2 injuries to Plaintiff Mr. Park including but not limited to loss of consortium, love, society,
3 affection, care, services, companionship and damage to the marital relationship.

4 **VII. PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray for judgment of liability in favor of the Plaintiffs and
6 against the Defendant herein as follows:

7 6.1 For judgment against Defendant for general and special damages in an amount to
8 be proven at the time of trial;

9 6.2 For all costs and expenses herein;

10 6.3 For prejudgment interest on all damages herein;

11 6.4 For attorney fees, disbursements, and litigation expenses;

12 6.5 For such other and further relief as this Court deems just and equitable.

13 DATED this 22nd day of August, 2018.

14
15 **HART JARVIS MURRAY CHANG PLLC**

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